

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 14, 16, 18, 20, 21, 23-26, 30-32, 34, 35, 37, 38, 40, 41, 43, 44, 46, 47, and 49-86 are pending with claims 1, 14, 16, 18, 21, 30, and 49 - 54 being the independent claims. Claims 2-13, 15, 17, 19, 22, 27-29, 33, 36, 39, 42, 45, and 48 were previously canceled. Claims 1, 14, 16, 18, 21, 30, and 49-54 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 101***

On page 3 of the Office Action, claims 53 and 75-80 were rejected under 35 U.S.C. § 101 because they are allegedly directed to non-statutory subject matter. Specifically, the Examiner alleges that claim 53 is "directed to a 'device' but fails to recite any hardware elements in the claim...which renders the claim solely as a software implementation and non-statutory for failing to satisfy a statutory category."

Although Applicants disagree with the rejection, Applicants have amended independent claim 53 to more clearly recite a hardware element. Specifically, independent claim 53, as amended, recites a memory configured to store a first data object in a first representation. Since a memory, as recited in claim 53, is a hardware element, claim 53 is not a solely a software implementation and satisfies a statutory

category of 35 U.S.C. § 101. Claims 75-80 depend from claim 53 and satisfy a statutory category of 35 U.S.C. § 101 at least based on their dependency to claim 53. Accordingly, Applicants respectfully request that the rejection of claims 53 and 75-80 be reconsidered and withdrawn.

***Rejections under 35 U.S.C. § 102***

On page 3 of the Office Action, claims 1, 14-16, 18, 20, 21, 23-26, 30-32, 34, 35, 37, 38, 40, 41, 43, 44, 46, 47, and 49-86 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,694,336 to Multer *et al.* (hereinafter Multer). Applicants respectfully traverse the rejection, and request that it be withdrawn.

Claim 15 was previously canceled. Thus, Applicants consider the rejection of claim 15 to be moot.

Differences exist between Multer and the claimed embodiments of the present invention. For example, claim 1 recites:

- (1) generating an event representative of a modification to a first data object, wherein the first device stores the first data object in a first representation, wherein after the modification the first data object includes first information; and
  - (2) delivering said event to the second device, wherein the second device stores a second data object including second information
- ...  
wherein differences between the first information and the second information are not maintained by the first device.

Independent claims 14, 16, 18, 21, 30, and 49 - 54 recite similar distinguishing features.

Muller does not teach or suggest at least the above recited claim elements. Multer describes transferring data between two devices. To reduce the amount of information transmitted over a network, only the difference between data on the transmitter and corresponding data on the intended receiver is transmitted. For example, in FIG. 1 of Multer, difference information  $\Delta$  is transmitted from System A to System B. Difference information  $\Delta$  includes changes to data stored on System B, e.g., made by System A. *See*, Multer, Col. 5, lines 62-64. FIGS. 2-5 show similar systems in which a device only receives difference information  $\Delta$  including changes to data stored on the device.

FIG. 8 of Multer shows an overview of the architecture used to synchronize information of different types of devices. The architecture shown in FIG. 8 includes a device engine for each device that forms "a distributed processing network which maintains consummate synchronization of all information in the system." *See*, Multer, Col. 9, lines 14-17. FIG. 9A shows a desktop device engine. Other device engines operate in a manner similar to the desktop device engine. The desktop device engine includes an application object 910, an application object store (AOS) 920, a delta module 950, and a versioning module 915, among other modules. The desktop device engine interacts with a particular application 810, e.g., of the desktop computer, and a storage server 850. Application object 910 "map[s] data from the application into a temporary or 'universal' data structure by connecting to the application via any number of standard interfaces to gain access to the applications data." *See*, Multer, Col. 11, lines 50-53. AOS 920 includes a copy of the device's data, e.g., the desktop computer's data, at a point just after the last data extraction and synchronization occurred. Delta module 950

is a "differencing engine which calculates differences in data between the output of application object 910 and the copy of the data which is provided in an application object store (AOS) 920." *See*, Multer, Col. 11, line 67 - Col. 12, line 3.

During a synchronization operation, application object 910 extracts data of application 810 and converts it to universal format. Delta module 950 then generates a difference set by comparing the output of application object 910 and the copy of the data just after the last synchronization operation stored in AOS 920. The difference information is encrypted and compressed and sent to the storage server 850 in the form of a data package. *See*, Multer, Col. 12, lines 12-22. A version is also associated with each data package. Using the version, versioning module 915 can compare the versions of data packages stored in storage server 850 to the version of the corresponding data in AOS 920 to determine which packages need to be applied, e.g., sent over the network to the desktop computer. *See*, Multer, Col. 12, lines 45-53. Other portions of Multer (e.g., flow diagrams 15 and 16) describe similar processes in which data packages formed as the difference between data last sent during a synchronization process and current data are transmitted to a storage with an associated version value. Data packages are pulled from the storage by comparing the version values of the stored data packages to the version of the data currently stored by the requesting device. In such a manner, only the difference between the most up-to-date data and the data stored on the device is received, thereby reducing the amount of the information that is transmitted over the network.

Accordingly, Multer does not teach or suggest all of the features of claim 1. In particular, Muller does not teach or suggest at least "wherein differences between the first information and the second information are not maintained by the first device".

Instead, in Multer, devices that receive data packages and update their corresponding data send information regarding their stored data to the transmitting device in the form of version information. Thus, in Multer, the transmitting device is aware of the difference between the data it currently is storing in its data packages and the corresponding data on the receiving device. Therefore Multer teaches away from "wherein differences between the first information and the second information are not maintained by the first device," as recited in claim 1 since the first device (e.g., the transmitting device) must be aware of the version of the data stored on the second device (e.g., the receiving device) so that only the difference is transmitted.

Because Multer does not teach or suggest the transmitting device being unaware of the contents of the data on the receiver that is to be updated by the synchronization between the transmitter and receiver, Multer does not anticipate claim 1 and its dependent claims.

Independent claims 14, 16, 18, 21, 30, and 49 - 54 and their respective dependent claims recite similar distinguishing features as independent claim 1 and are not anticipated by Multer for at least the reasons set for above, and further in view of their own features.

Furthermore, claim 57 recites additional features that distinguish over Multer. For example, claim 57 recites: The method of claim 1, wherein the event is an email. Claims 65, 71, 77, and 83 recite similar distinguishing features.

On page 9 of the Office Action, the Examiner cites Col. 5, lines 31-34 of Multer as allegedly teaching this feature of claim 57. Col. 5, lines 31-34 of Multer describe transmitting emails using the differencing techniques described above. In such an

application, only the differences between the emails would be forwarded between systems. Thus, the differences between emails would be included in one or more data packages. The data packages would be received at the receiver and the email data stored on the receiver would be updated with the difference information. However, there is no teaching in Multer that the data packages themselves, e.g., the modification events, would be forwarded to the receiver as emails. Rather, the data packages would be forwarded in a universal format, as described above.

Thus, Applicants assert that claim 57, 65, 71, 77, and 83, recite additional features that distinguish over Multer.

Accordingly, Applicants respectfully request that the rejections of claims 1, 14-16, 18, 20, 21, 23-26, 30-32, 34, 35, 37, 38, 40, 41, 43, 44, 46, 47, and 49-86 be reconsidered and withdrawn.

Reply to Office Action of April 16, 2008

BAYNES *et al.*  
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***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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